

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:16-cv-00100-MR-DSC**

ANN U. ABRAMS,

Plaintiff,

VS.

JUDITH E. JENKINS, FOUR SEASONS LANDSCAPING, INC., and DANIEL LUCAS d/b/a LUCAS TREE SERVICE,

Defendants.

ORDER

THIS MATTER is before the Court on the Partial Motion to Dismiss and Partial Motion for Judgment on the Pleadings filed by the Defendant Judith E. Jenkins [Doc. 15]; the Magistrate Judge's Memorandum and Recommendation regarding the disposition of that motion [Doc. 22]; and the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 26].

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable David S. Cayer, United States Magistrate Judge, was designated to consider the pending motion in the above-captioned action. On September 29, 2016, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 22], in which the Magistrate

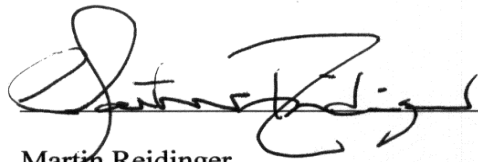
Judge recommended granting the Defendant's Partial Motion to Dismiss and dismissing the Plaintiff's claim under N.C. Gen. Stat. § 75-1.1(a) ("Chapter 75") against the Defendant Judith E. Jenkins. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed her Objections to the Memorandum and Recommendation on October 17, 2016. [Doc. 26]. The Defendant filed a Reply to the Plaintiff's Objections on October 26, 2016. [Doc. 37].

After careful consideration of the Plaintiff's Objections, the Court finds that the Magistrate Judge's proposed conclusions of law are correct and consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the Plaintiff's Chapter 75 claim against the Defendant Judith E. Jenkins should be dismissed.

IT IS, THEREFORE, ORDERED that the Plaintiff's Objections [Doc. 26] are **OVERRULED**; the Memorandum and Recommendation [Doc. 22] is **ACCEPTED**; the Defendant's Partial Motion to Dismiss and Partial Motion for Judgment on the Pleadings [Doc. 15] is **GRANTED**; and the Plaintiff's Chapter 75 claim against the Defendant Judith E. Jenkins is hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: March 3, 2017


Martin Reidinger
United States District Judge

